

From: [Brian Darnell](#)
To: ['Axe, Al'](#); ['Sonja A.'](#); ['Cermak, John F.'](#)
Cc: [Anne.Foster/R6/USEPA/US@EPA](#); [Garyg.Miller/R6/USEPA/US@EPA](#); [Robert.Werner/R6/USEPA/US@EPA](#); [Jessica.Hernandez/R6/USEPA/US@EPA](#); ['Paul Wild'](#); ['Mark Brotherton'](#); ['Desmaine \'Dee\' Rubin'](#); [jakekelly@cherylkinc.com](#); [dispatch@sjrfleet.com](#)
Subject: Restricted Access To The San Jacinto River Fleet (SJRF) Property Restricted Areas
Date: 10/14/2011 02:27 PM

Al,

The following guidelines will be adhered to for access to the restricted areas of the San Jacinto River Fleet (SJRF) property. The Facility Security Plan (FSP) will supersede this agreement in the event that an interpretation dispute arises. **WARNING This record contains Sensitive Security Information that is controlled under 49 CFR parts 15 and 1520. No part of this record may be disclosed to persons without a "need to know," as defined in 49 CFR parts 15 and 1520, except with written permission of the Administrator of the Transportation Security Administration or the Secretary of Transportation. Unauthorized release may result in civil penalty or other action. For U.S. government agencies, public disclosure is governed by 5 U.S.C. 552 and 49 CFR parts 15 and 1520.**

1. Any person entering into the restricted areas of the SJRF shall have in their possession, at all times, a valid Transport Workers Identification Credential (TWIC) issued by proper authority to the person who holds the identification;
2. Any person entering into the restricted areas of the SJRF shall consent to screening and search at any time;
3. Request for entry shall be made via email to briandarnell@sjrfeet.com and copied to dispatch@sjrfleet.com seven (7) business days prior to entry;
4. Entry requests shall state the requested date, time, name of persons requiring entry, vehicles entering with license plate number, billing details of responsible party, purpose with EPA preapproved specific instructions;
5. Email access approval shall be granted by Brian Darnell, Facility Security Officer, Desmaine Rubin, Alternate Facility Security Officer, or Jake Kelly, Alternate Security Officer once requirements have been met;
6. If the aforementioned requirements are not met access will be denied;
7. Once an access approval has been granted a SJRF escort will be assigned;
8. Escort expense shall be \$96.00 per hour;
9. The escort will ensure security protocols are adhered to, and scope of EPA preapproved specific instructions are not exceeded;
10. Current threat levels of security have the SJRF operating at MARSEC Level I;
11. Once SJRF is instructed to maintain MARSEC Level II, entry will be further restricted or denied;
12. Once SJRF is instructed to maintain MARSEC Level III entry will be denied indefinitely until instructed by the Office of Homeland Security.

I believe this will cover your requests. If you have any further questions or desire additional information please do not hesitate to contact this office.

Respectfully,
Brian Darnell
Vice President & Facility Security Officer (FSO)
San Jacinto River Fleet, L.L.C.

Office 281-452-2222



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Office Direct 281-860-2163
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From: Axe, Al [mailto:aaxe@winstead.com]
Sent: Thursday, October 13, 2011 3:38 PM
To: 'Brian Darnell'
Cc: 'Sonja A.'; 'Cermak, John F.'; 'Hernandez.Jessica@epamail.epa.gov'
Subject: FW: Meeting with EPA on 10/6

Brian,

This is to followup on the attached email that I sent to you last Friday, October 7, 2011. Please let us know when you are available to discuss the access requirements related to the rest of the San Jacinto River Fleet property located at the San Jacinto River and I-10. Your attention to this matter will be greatly appreciated. Thanks. Al

Albert R. Axe, Jr.

Direct: (512) 370-2806

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profile link: <http://www.winstead.com/Attorneys/aaxe>

From: Axe, Al
Sent: Friday, October 07, 2011 1:23 PM
To: 'Brian Darnell'
Cc: 'Hernandez.Jessica@epamail.epa.gov'; 'Inglin, Sonja A.'; 'Cermak, John F.'
Subject: RE: Meeting with EPA on 10/6

Brian,

Thanks for your email. We also received an email from Jessica this morning asking us to followup with you regarding obtaining access to the San Jacinto River Fleet property. We will need access to the Department of Homeland Security portion of the property as well as the strip of SJRF property indicated in the attachment to your email. Please let us know what is required to obtain access to the restricted portion of your property so that we can make appropriate arrangements. Thank you for your assistance. Al

Albert R. Axe, Jr.

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From: Brian Darnell [mailto:briandarnell@sjrfleet.com]
Sent: Friday, October 07, 2011 11:46 AM
To: Axe, Al
Cc: Hernandez.Jessica@epamail.epa.gov
Subject: FW: Meeting with EPA on 10/6

Al:

We met with the EPA Region 6 representatives yesterday in their offices in Dallas, and we now understand fully what type of access your are required to have and **we are prepared to grant this access.** Via this email, International Paper Company and McGinnis Industrial Management Corporation have the right-to-enter immediately, study and conduct whatever type testing that the EPA orders, within the strips and gores of property that are adjacent to the TXDOT right-of-way that are outside of the Office of Homeland Security Restricted areas. I have enclosed a visual representation of the areas where access is granted. Yellow represents areas where "access granted," and pink represents an area where we believe the Port of Houston Authority maintains control and ownership.

Respectfully,
Brian Darnell
Vice President & Facility Security Officer (FSO)
San Jacinto River Fleet, L.L.C.

Office 281-452-2222
Office Direct 281-860-2163
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From: Hernandez.Jessica@epamail.epa.gov [mailto:Hernandez.Jessica@epamail.epa.gov]
Sent: Thursday, October 06, 2011 4:51 PM
To: Brian Darnell
Cc: Foster.Anne@epamail.epa.gov
Subject: Meeting with EPA on 10/6

Hi Brian---

Thank you again for taking the time to meet with us today, it was very informative and encouraging.

Per our discussion, International Paper Company and McGinnes Industrial Management Corporation (MIMC) will be attempting to an secure access agreement with SJ River Fleet (SJRF). Although there is no upcoming work scheduled for the SJRF property, we feel this is an appropriate precaution should future sampling or other response measures be necessary under the Administrative Order on Consent and/or the Unilateral Administrative Order for Remedial Investigation/Feasibility Study. After speaking today, EPA is aware of the procedural sensitivities (especially the time it may take to push an access agreement through the approval process) attendant to dealing with an Office of Homeland Security, secured facility.

Again thank you for time, please feel free to give myself or Anne Foster a call if you have any questions.

Jessica

Jessica Hernandez
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